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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/646,162 | 08/22/2003 | Keith C. Thomas | P1976US00 | 9183 |

24333 7590 09/07/2006

GATEWAY, INC.
ATTN: Patent Attorney
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY, SD 57049

EXAMINER

HUNNINGS, TRAVIS R

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2612

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

58

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|------------------------------|--------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/646,162 | Applicant(s) THOMAS, KEITH C. | |
| | Examiner Travis R. Hunnings | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fantom Orb Disk Drive (Fantom; www.fantomdrives.com/support/manuals/orb_supplement.pdf).

Regarding claim 6, the claimed indicator configured to provide illumination and being visible from a front panel of the computer system, the illumination of the indicator being provided in response to the presence of a first continuous operating condition is met by the status light (Front Panel drawing) indicating that the drive is ready by a solid green light (During Operation section);

The claimed activity detection circuit coupled to the indicator, the activity detection circuit being configured to generate an activity signal indicative of the presence of a second periodic operating condition associated with a component of the computer system, and to communicate the activity signal to the indicator would have been inherent in the device to operate the functions of detecting the drive being on and loading/unloading/using the disk and altering the status light to reflect the current condition (During Operation section);

The claimed indicator is configured to be interrupted from illuminating in response to the presence of the first continuous operating condition by the activity signal to thereby produce an indication of the second periodic operating condition comprising intervals when the indicator is interrupted from illuminating in response to the presence of the first continuous operating condition is met by the flashing amber light to indicate that the disk is loading or in use which would interrupt the constant green light (During Operation section);

The claimed continuous indication by the activity indicator being characterized by illumination of the activity indicator and interruption of the continuous indication of the activity indicator is characterized by extinguishing the activity indicator is met by the steady green light indicating that there is power to the device and the flashing amber light indicating the reading or writing of data to the disk (LED Indicator Definitions section). One of ordinary skill in the art would have considered the flashing amber light to be extinguishing the activity indicator;

The claimed first continuous operating condition including a power-on operating condition and the second periodic condition including a hard disk drive operating condition is met by the green light indicating power being present to the device and the flashing amber light indicating data being written or read on the ORB disk (LED Indicator Definitions section). One of ordinary skill in the art would have considered reading or writing data to an ORB disk to be a hard disk drive operating condition because hard disk drives also read or write data to a disk;

The claimed single color LED of the activity indicator is the only visible indication of the first continuous operating condition and the single color LED of the activity indicator is the only visible indicator of the second periodic operating condition is met by the status light being lit and being the only visible indication of the first condition and the flashing light being the only visible indication of the second condition.

Fantom does not specifically disclose the claimed activity indicator including a single color LED however it would have been obvious to one of ordinary skill in the art that a single color LED would be able to accomplish the same indication by providing a steady indication when no disk access was occurring (representing the steady green light as disclosed by Fantom) and also able to provide the flashing indication when disk accesses were occurring (representing the flashing amber light as disclosed by Fantom) and using a single color LED would lower costs. Therefore it would have been obvious to one of ordinary skill in the art to use a single color LED. Also at any point in time, the disclosed indicator of Fantom is always indicating only a single color, whether it be green, amber or red and would therefore be providing single-color indication and would therefore be considered a single-color LED by one of ordinary skill in the art.

Response to Arguments

3. Applicant's arguments filed 9 August 2006 have been fully considered but they are not persuasive. Applicant argues the following:

Art Unit: 2612

Argument A: The modification of ORB to use a single-color LED instead of three LEDs, one for each color, would not be suitable because it would degrade the functionality of the device.

Argument B: It is incorrect to assume that one of ordinary skill in the art would degrade the functionality of ORB by using a single-color LED instead of three separate LEDs in order to lower the cost.

Responses:

Regarding argument A and B, Examiner still contends that using a single-color LED would still be able to provide the same level of indication to the user as the three separate color LEDs as described by ORB. The single-color LED could provide three separate indications just as three different colors. The three separate indications would be a steady-on condition (indicating the drive is powered on), a flashing condition (indicating a drive-access) and a steady-off condition (indicating an error). Therefore, replacing the three LEDs with a single-color LED would not degrade the functionality of ORB and would easily lead someone of ordinary skill in the art to realize that costs would be lowered by having to purchase only 1 LED per drive unit instead of 3 LEDs.

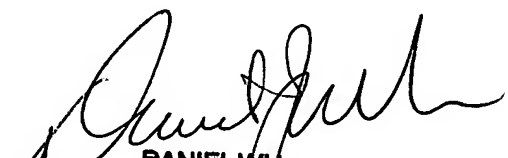
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRH


DANIEL WU
SUPERVISORY PATENT EXAMINER
9/01/06